



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,508	09/26/2003	Paul W. Coleman	MSFT4	3534

27488 7590 10/18/2005
MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

RUTLEDGE, AMELIA L

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,508	Applicant(s) COLEMAN ET AL.	
	Examiner Amelia Rutledge	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/03</u> . | 6) <input type="checkbox"/> Other: _____ |

h

P

DETAILED ACTION

1. This action is responsive to communications: original application, filed 09/26/2003.
2. Claims 1-14 are pending. Claims 1, 5, 9, and 13 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

In regard to independent claim 1, the combined limitations within claim 1 are non-statutory as not being tangibly embodied in a manner so as to be executable. The combined limitations of said claims do not require the use of hardware to implement the claimed methods and/or systems and for this reason they are not tangibly embodied. For example, "*A method of testing a hypertext document for compliance with a selected criterion...*" is a description of software *per se*, which renders the claimed invention non-statutory. The Examiner's suggestion of changing the claim to read "*A computer executable method...*" for example, would serve to overcome this rejection.

In regard to dependent claims 2-4, said claims are rejected because they add nothing to render the claimed subject matter statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by “CAST Bobby: Manual for Downloadable Version 2000” (hereinafter “Bobby”), copyright 1996-2000 Center for Applied Special Technology (CAST).**

Independent claim 1 cites: *A method of testing a hypertext document for compliance with a selected criterion, said method comprising: accepting a user selection of at least one parameter indicative of compliance with the selected criterion for an analysis of the hypertext document;*

Bobby teaches a method of testing a hypertext document for compliance using a bobbycl function, which allows the user to input parameters to test for compliance to a selected criterion such as browser or HTML specification, or accessibility requirement (p. 12-13, “Using bobbycl”). Bobby teaches a dialog which allows a user to select the a specific browser compatibility test (p. 11, “Browser compatibility tests”) allowing *user selection of at least one parameter indicative of compliance with the selected criterion for an analysis of the hypertext document.*

Claim 1 also cites: *performing the analysis of the hypertext document and generating analysis data, the analysis data comprising an indication of whether the hypertext document is in compliance with the selected criterion; storing the analysis*

data and the link information for the hypertext document; and presenting at least a portion of the analysis data to the user.

Bobby teaches performing an analysis of a hypertext document for compliance and the generation of a summary report of analysis data showing whether a document is in compliance, and storing and presenting the reports (p. 8, "View a report", p. 7-8, "Reading the report). Bobby teaches storing the analysis data and link information for the document (p. 9, Reanalyzing pages that have changed).

Regarding dependent claim 2, Bobby discloses that the user can type in the URL of the page they want to analyze (p. 8, "Entering a URL to test"), compare to *accepting a user designation of the hypertext document to be analyzed.*

Regarding dependent claim 3, Bobby teaches that the user can limit the depth of link levels by a range of zero to Infinite levels (p. 8-9, "Choosing the scope of site analysis"). Compare to *accepting a user designation of the number of link levels from the hypertext document to be analyzed.*

Regarding dependent claim 4, Bobby discloses a linkfinder function which well specify which hypertext links to follow and which documents to analyze (p. 12, "Using linkfinder"), and a bobbycl function, which allows the user to input parameters to test for compliance to a selected criterion such as browser or HTML specification, or accessibility (p. 12-13, "Using bobbycl"). These functions can be run together by the user to generate an analysis of hypertext documents for compliance, and where the analysis data is stored for each document (p. 13-14, "Putting them together").

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. ^{WB 5} Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobby as applied to claims 1-4 above, and further in view of Nentwich et al. (hereinafter "Nentwich"), "xlinkit: A Consistency Checking and Smart Link Generation Service", *ACM Transactions on Internet Technology*, Vol. 2, No. 2, May 2002, p. 151-185.

Independent claim 5 cites: *A method of testing a hypertext document for compliance with a selected criterion, said method comprising: accepting a user selection at a client terminal, the user selection having at least one parameter indicative of compliance with the selected criterion for an analysis of the hypertext document; transmitting the user selection to a server, the server having a rules engine component for analyzing the hypertext document based on the user selection; performing the analysis of the hypertext document at the server and generating analysis data, the analysis data comprising an indication of whether the hypertext document is in compliance with the selected criterion; and presenting at least a portion of the analysis data to the user at the client terminal.*

Claim 5 reflects substantially similar subject matter as claimed in claim 1 with additional limitations, and is rejected under the same rationale except for the additional limitations.

Art Unit: 2176

Claim 5 adds limitations describing a client/server network architecture with software components. While Bobby does not explicitly teach such a client/server network architecture, Nentwich teaches xlinkit, a lightweight application service that checks the consistency of distributed web content using rules. Nentwich teaches a client/server architecture where a user makes a selection of the document set and rule set to be checked, and the check engine is implemented as a servlet on the web server (p. 168-169, "Architecture"), compare to *the server having a rules engine component for analyzing the hypertext document based on the user selection*. The analysis of rules is performed at the server and the result page is returned to the user at the client browser.

Both Bobby and Nentwich are directed toward web compliance testing using rules. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nentwich to Bobby, so that the user would have the benefit of a highly generic technology which could be applied to link generation and content management (Nentwich, "Applications", p. 174-175).

Regarding dependent claims 6-8, claims 6-8 reflect substantially similar subject matter as claimed in claims 2-4 and are rejected along the same rationale.

Independent claim 9 cites: *A method of testing a hypertext document for compliance with a selected criterion, said method comprising: accepting a user selection at a client terminal, the user selection having at least one parameter indicative of compliance with the selected criterion for an analysis of the hypertext document; performing the analysis of the hypertext document and generating analysis data, the*

Art Unit: 2176

analysis data comprising an indication of whether the hypertext document is in compliance with the selected criterion;

transmitting the analysis data to a server, and storing the analysis data at the server in a non-volatile memory.

Claim 9 reflects substantially similar subject matter as claimed in claim 5 with additional limitations, and is rejected under the same rationale except for the additional limitations.

Claim 9 adds the limitation *transmitting the analysis data to a server, and storing the analysis data at the server in a non-volatile memory.*

While Bobby teaches storing the analysis data in non-volatile memory on the hard drive, Bobby does not explicitly teach that the data is stored at a server. However, Nentwich teaches that the XML file containing the results of parsing the documents and rule files is stored in the server's local storage before being returned to the user (p. 168-169, "Architecture"). Both Bobby and Nentwich are directed toward web compliance testing using rules. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nentwich to Bobby, so that the user would have the benefit of a highly generic technology which could be applied to link generation and content management (Nentwich, "Applications", p. 174-175).

Regarding dependent claims 10-12, claims 10-12 reflect substantially similar subject matter as claimed in claims 2-4 and are rejected along the same rationale.

Regarding independent claim 13, claim 13 reflects the server, user interface, and processor components operational for implementing the methods as claimed in claim 5, and is rejected along the same rationale.

Regarding dependent claim 14, while Bobby teaches storing the analysis data in non-volatile memory on the hard drive, Bobby does not explicitly teach that the data is stored at a server. However, Nentwich teaches that the XML file containing the results of parsing the documents and rule files is stored in the server's local storage before being returned to the user (p. 168-169, "Architecture"), compare to the *server...further comprising a non-volatile memory operational to store the analysis data and the link information for the hypertext document*. Both Bobby and Nentwich are directed toward web compliance testing using rules. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nentwich to Bobby, so that the user would have the benefit of a highly generic technology which could be applied to link generation and content management (Nentwich, "Applications", p. 174-175).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brinck et al. "Automatically Evaluating the Usability of Web Sites", CHI2001, April 20-25, USA, p. 906-907. ACM 1-58113-454-1/02/0004.

W3C Web Accessibility Initiative – "Evaluation, Repair, and Transformation Tools for Web Content Accessibility" (lists prior art tools with date).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

Art Unit: 2176

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
10/15/2005